

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for February 15, 2006 PLANNING COMMISSION MEETING

**PROJECT #:** Special Permit #06004

**PROPOSAL:** Allow an early childhood care facility in a dwelling not used as a residence.

**LOCATION:** North 73<sup>rd</sup> Street & Logan Avenue

**LAND AREA:** 8,400 square feet, more or less

**CONCLUSION:** This request conforms to the requirements of the zoning ordinance provided certain conditions are met.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** The North 72 feet of Lots 5 and 6, Block 9, Hubbard Place, and the South 1/2 of the vacated alley adjacent thereto, located in the NW1/4 of Section 10 T10N R7E, Lancaster County, Nebraska.

**EXISTING LAND USE AND ZONING:** Single-family dwelling      R-2 Residential

### **SURROUNDING LAND USE AND ZONING:**

North:	Single-family dwellings	R-2 Residential
South:	Single-family dwellings	R-2 Residential
East:	Single-family dwellings	R-2 Residential
West:	Single-family dwellings	R-2 Residential

### **HISTORY:**

May, 1979      The zoning designation was changed from A-2 Single-Family Dwelling to R-2 Residential during the zoning update.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The 2025 Future Land Use Plan shows this area as Urban Residential. (F 25)

**TRAFFIC ANALYSIS:** North 73<sup>rd</sup> Street and Morrill Avenue are identified as Local Streets, both now and in the future. (E 49, F 103) Local streets essentially serve as connectors between abutting properties and higher order streets. (F 105) Residential driveways with

more than 3 parking spaces or garages must be designed so vehicles can exit the property in a forward motion.

**ANALYSIS:**

1. This is a request to permit a daycare in a dwelling that will not be used as a residence. The proposal is for 12 children and 2 staff.

2. Lincoln Municipal Code §27.63.070 allows a special permit for a childcare facility in a non-residence dwelling within the R-2 district, under the following conditions:

(a) The application shall be accompanied by the [required] information.

The application materials submitted provide the required information.

(b) Prior to occupancy, such facilities shall comply with all applicable state and local early childhood care and building requirements.

This is a condition of approval.

(c) Facilities with twenty-one to thirty children shall be located on collector or arterial streets. Facilities with thirty-one or more children shall be located on an arterial street. The location of such facilities on such streets shall comply with the design standards for early childhood care facilities.

Due to the small size of the facility, this paragraph does not apply.

(d) The site plan and play area for such facilities shall comply with the design standards for early childhood care facilities.

The site plan and play area generally comply with the Design Standards for a facility of this size. The play area must be completely enclosed.

(e) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code. In residential districts, such parking and loading/unloading area shall comply with the design standards for early childhood care facilities.

Based upon 12 children and 2 staff members, this facility is required to provide 2 employee parking spaces and 2 designated loading/unloading spaces. The site plan shows 4 parking spaces (including 1 in the garage). However, the design of the area provided for the 3 spaces on the driveway does not meet Design Standards.

(f) If the proposed facility is located in an industrial district, the applicant shall submit to the Health Department, for its review and recommendation, information on the

**storage and use of hazardous chemicals in the vicinity, evacuation plans and internal air quality control.**

This proposed facility is not located in an industrial district.

**(g) The City Council may modify these conditions, except for condition (b).**

Applicant has not requested to modify any conditions.

4. The Design Standards require that each parking space must be 22' deep. In addition, parking spaces are not allowed to overhang into the public right-of-way. Therefore, 3 stacked parking spaces require 66' between the garage and the property line. On this lot, the property line is located 4 feet east of the sidewalk and approximately 57 feet from the garage. In addition, vehicles must be allowed to enter and leave the property in a forward motion, which the proposed site plan does not allow. The site plan must be revised to show the front property line and a parking layout that meets Design Standards. Staff would not support a waiver to allow less than the required depth for stacked parking spaces. A waiver to allow backing out of the driveway can be requested and approved by the City Council.

Alternatively, the number of children approved under this permit could be reduced to 10, in which case the site plan as proposed will meet Design Standards.

5. The play area must be fully enclosed somewhere along the south property line.
6. Planning Staff recommends approval of this special permit based upon the following conditions.

### **CONDITIONS OF APPROVAL:**

#### Site Specific:

1. This approval permits an early childhood care facility for up to 12 children and 2 staff members on the largest shift.

#### General:

2. Before receiving building permits the permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
  - 2.1 Submit 6 copies of a revised site plan that shows a reconfigured parking layout that meets Design Standards. Also, correct the orientation of the north arrow.
  - 2.2 The construction plans shall comply with the approved plans.

- 2.3 The operation and the premises are to meet appropriate local and state licensing requirements, including compliance with health codes.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:

- 3.1 Before occupying this early childhood care facility, all development and construction is to comply with the approved plans.
- 3.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.4 The permittee shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

Greg Czaplewski, 441.7620, gczaplewski@ci.lincoln.ne.us

**Date:** February 1, 2006

**Applicants and Contacts:** Patricia Moore  
307 N. 56<sup>th</sup> Street  
Lincoln, NE 68504  
466.7497

Cheryl Rhoades  
5744 Morrill Avenue  
Lincoln, NE 68507  
464.3441

Special Permit #06004  
Sister's Two Little Ducklings Daycare

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**Owner:** Gary & Diane Thompson  
935 W Burt Drive  
Lincoln, NE 68521  
466.8181

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2005 aerial

## Special Permit #06004 N 73rd St & Logan Ave

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 10 T10N R07E

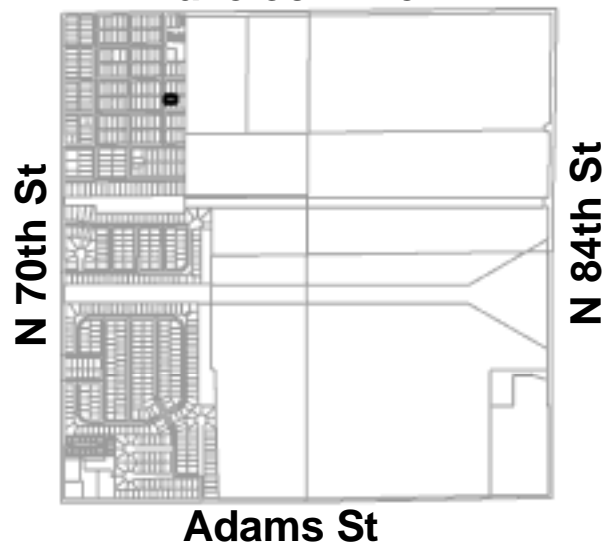


Zoning Jurisdiction Lines

City Limit Jurisdiction

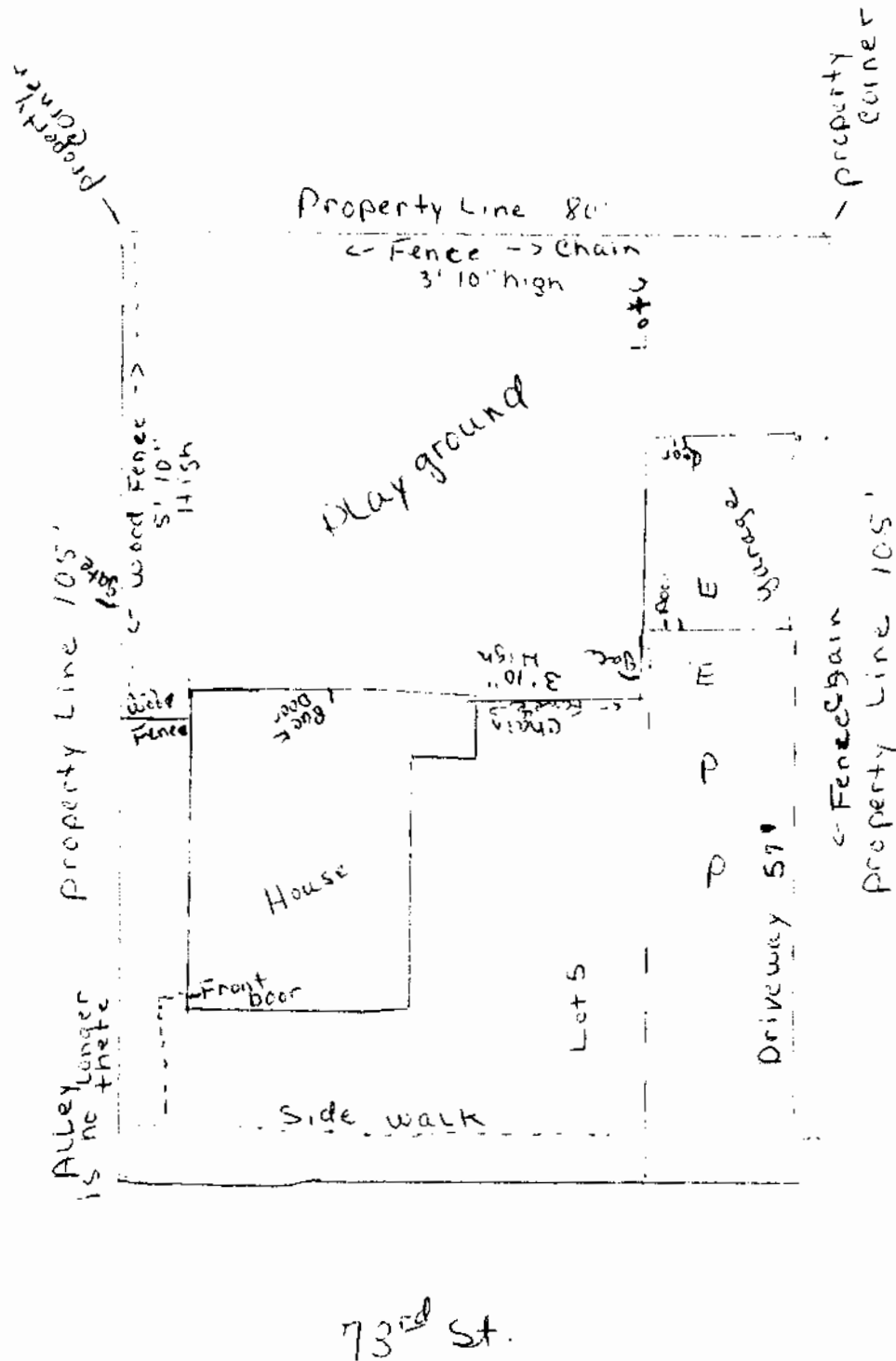
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## Havelock Ave



Special Permit  
27.63.070

Site Plan  
Sister's Two  
Little Ducklings  
Day Care  
4126 N. 73rd St.  
N. 72'  
Lot 5,  
N. 72'  
Lot 6 Hubbard Place  
And - 8' 5 1/2" Vac Alley



Day Care  
12 Kids  
2 Staff

E = Employee Stall  
P = Parents Drop off

January 17, 2005

RE: Sister's Two Little Ducklings Daycare

To Whom it May Concern:

I, Cheryl L. Rhoades and Patricia M. Moore are in the process of opening a daycare for children ages birth through 5 years. We will have our daycare at 4126 North 73<sup>rd</sup> Street, Lincoln, NE. Our daycare will be opened from 6:30 a.m. to 6:00 p.m., Monday through Friday. We will provide quality daycare in a licensed setting. We will be able to care for 12 children at any one time with our license.

We have chosen to have our daycare in a rented house to allow for a home like setting. No one will be living in the house on a full time basis. It is because of this, we need to go through the process of zoning. When we receive the proper permits, we can file for a daycare license. We appreciate your timely attention to this matter. We would like to open our daycare as soon as possible.

Sincerely,

*Cheryl L. Rhoades*  
*Patricia M. Moore*

Cheryl L. Rhoades  
Patricia M. Moore

Owners- Sisters Two Little Ducklings Daycare